

## Proposed Final Draft Delta Plan

---

***On July 12, 2012, the Council directed staff to proceed with a list of Council-approved revisions to the Final Staff Draft Delta Plan. The Council also asked that a redline and clean copy version of the revisions be brought back to the Council for review at this September meeting, preceded by an in-depth review by Chair Isenberg and Vice Chair Fiorini to determine if the staff changes were consistent with Council action. The Proposed Final Draft Delta Plan accompanying this staff report and posted online on Wednesday, September 5, 2012, includes Council-directed changes as deemed consistent by the Chair and Vice Chair.***

***In the same motion, the Council formally directed staff, upon complying with the process described above, to proceed concurrently with the recirculation of the supplemental volume of the Draft Programmatic Environmental Impact Report and the Notice of Proposed Rulemaking to the Office of Administrative Law to begin the rulemaking process. The initiation of these two processes will begin two simultaneous 45-day public comment periods.***

***At the end of the comment period, the Council, at a public hearing, will take action on certifying the Final programmatic EIR, and adopting the Delta Plan. That hearing is likely to occur in Spring 2013.***

---

The Purpose of this item is to provide opportunity for Council members to ensure that revisions to the proposed Final Draft Delta Plan<sup>1</sup> were indeed prepared consistent with the direction of the Council.

If the Council deems that the proposed Final Draft Delta Plan is consistent with Council direction, the staff will proceed to use the Final Draft for the purpose of recirculating a supplemental volume of the Draft Programmatic Environmental Impact Report describing environmental impacts of the Final Draft Delta Plan. The Final Draft will also serve as the basis for submittal of a Notice of Proposed Rulemaking to the Office of Administrative Law (OAL) as part of the normal regulatory process.

Delta Stewardship Council staff have prepared a series of seven (7) public drafts of the Delta Plan for public discussion and Council input, released as follows:

---

<sup>1</sup> Several maps for inclusion in Appendix K (Delta Communities) associated with Policy DP-1 were still being finalized at the time of Final Draft Delta Plan posting and are intended to be included in the final Delta Plan. These maps will be made available on the Delta Stewardship Council's website prior to the September 13, 2012 Council Meeting. These updates will not affect the language of Policy DP-1.

First draft Delta Plan	February 14, 2011
Second draft Delta Plan	March 18, 2011
Third draft Delta Plan	April 22, 2011
Fourth draft Delta Plan	June 13, 2011
Fifth draft Delta Plan	August 2, 2011
*Draft EIR Released based on fifth draft	November 4, 2011
Final Staff draft Delta Plan	May 14, 2012
Proposed Final Draft Delta Plan (Redline)	September 5, 2012

Following the release of the Final Staff Draft Delta Plan on May 14th, the Council discussed the Plan at meetings held on May 24th, June 14/15, June 28/29, and July 12<sup>th</sup>. At the July 12<sup>th</sup> meeting the Council adopted a formal motion directing staff to implement revisions from two Council-approved documents: a 331-item Consent Checklist and a 16-item Council Action List.

- The Consent Checklist was prepared by staff at the request of the Council and brought to the June 28/29 meeting for review and discussion. This list consisted of changes proposed by staff in response to public comments, as well as other minor or non-substantive revisions to the Draft Plan. On June 29<sup>th</sup> the Council removed 14 items from the Consent Checklist for additional discussion and public comment, and eventually voted to approve the remaining items on the list. On July 12, 2012 the 14 removed items were discussed and modified to the satisfaction of the Council and the Council voted unanimously to adopt the removed items.
- The Council Action Checklist consisted of a list of substantive policy issues, as determined by staff, in need of input and decision by the Council. This Council Action Checklist was first discussed at the June 28/29 meeting and carried over for further discussion at the July 12, 2012 meeting. All items were approved by a unanimous vote of the Council, save for two, which received a majority vote. WR P1 was opposed by Council Member Gray and RR P1 was opposed by Chair Isenberg.

### **Next Steps**

A summary of next steps and anticipated timeline is provided in the table below.

<b>Date</b>	<b>Action(s)</b>
September 13, 2012	Council review of redline Proposed Final Draft Delta Plan
Fall 2012	Anticipated release of Final Draft Delta

	Plan and recirculation of supplemental Delta Plan Draft PEIR volume with 45 day public comment period. Also commence APA/OAL Rulemaking process with 45 day public comment period
Winter 2012	Respond to comments on supplemental Delta Plan Draft PEIR and APA/OAL Rulemaking package, conduct Rulemaking Hearing
Spring 2013	Final PEIR considered by the Council for certification, Final Draft Delta Plan considered for adoption and use in final regulatory approval process
Summer 2013	Regulations based on Delta Plan policies become effective

As discussed at previous Council meetings, CEQA coverage for this revised Final Draft Delta Plan will entail preparing and circulating for public review and comment an additional EIR volume that will supplement the already-circulated Draft Program EIR.

Staff believes that circulating an additional volume is appropriate given the extent of the text changes and reorganization of this revised Final Draft Delta Plan (as compared to the 5th staff draft, which was the subject of the already-circulated Draft Program EIR) and given the Council's commitment to transparency and stakeholder involvement. Staff will publish the additional volume this Fall for a 45-day public review and comment period. Additional opportunities for public comment will occur during the concurrent APA/OAL Rulemaking process and upcoming Council meetings.

### **List of Attachments**

Attachment 1: Letter from Chair Isenberg and Vice Chair Fiorini

### **Contact**

Cindy Messer  
Delta Plan Program Manager

Phone: (916) 445-0258

Jessica R. Pearson  
Senior Policy Advisor

Phone: (916) 445-0936